

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STANDING ROCK SIOUX TRIBE; YANKTON SIOUX
TRIBE, ROBERT FLYING HAWK; OGLALA SIOUX
TRIBE,

Plaintiffs-Appellees,

CHEYENNE RIVER SIOUX TRIBE; STEVE VANCE,

Intervenors for Plaintiff-Appellees,

v.

U.S. ARMY CORPS OF ENGINEERS, ET AL.

Defendant-Appellant,

DAKOTA ACCESS LLC,

Intervenor for Defendant-Appellant.

No. 20-5197

**ERRATA TO BRIEF OF APPELLEES STANDING ROCK SIOUX TRIBE,
CHEYENNE RIVER SIOUX TRIBE, OGLALA SIOUX TRIBE, AND YANKTON
SIOUX TRIBE, ET AL.**

JAN E. HASSELMAN
PATTI A. GOLDMAN
Earthjustice
810 Third Avenue, Suite 610
Seattle, WA 98104
Telephone: (206) 343-7340
jhasselman@earthjustice.org
pgoldman@earthjustice.org

*Attorneys for Plaintiffs-Appellees
Standing Rock Sioux Tribe*

The Brief of Appellees Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Oglala Sioux Tribe, and Yankton Sioux Tribe, et al., filed today, corrects the following typographical errors in the brief filed on September 16, 2020.

Page 14 – “*Natural Res. Def. Council*” should read “*Natural Resources Def. Council*”

Page 23 – “*Natural Res. Def. Council*” should read “*Natural Resources Def. Council*”

Page 39 – “Only after that the Corps” should read “Only after the Corps”

Page 40 – “*Club v Ferc*” should read “*Club v. FERC*”

Page 41 [now on page 40] – “Corps” should be “Corps”

Page 41– “S.A.14-17 , 20” should be “S.A.14-17, 20”

Page 41 – “F. 3d” should be “F.3d”

Page 43 – “§ 706 (2)(A)” should be “§ 706(2)(A)”

Page 44 – “*American Great Lakes Ports Assoc’n v. Schultz*” should read

“*American Great Lakes Ports Ass’n v. Schultz*”

Page 44 – “showing entitled” should read “showing that they are entitled”

Page 44 – “*SecurityPoint Holdings, Inc. v. Transp. Sec. Admin.*, 867 F.3d 180, 185 (D.C. Cir. 2017)” should read “*SecurityPoint Holdings, Inc. v. Transp. Sec. Admin.*, 867 F.3d 180, 185 (D.C. Cir. 2017) (emphasis added)”

Page 44 – “*Nat. Res. Def. Council v. Wheeler*” should read “*Natural Resources Def. Council v. Wheeler*”

Page 45 – “Unsuprisingly” should read “Unsurprisingly”

Page 45 – “*Pub. Employees for Envntl. Responsibility (“PEER”) v. U.S. Fish and Wildlife Serv.*, 189 F. Supp. 3d 1” should read “*Pub. Emps. for Envntl. Responsibility (“PEER”) v. U.S. Fish & Wildlife Serv.*, 189 F. Supp. 3d 1”

Page 47 – “*Nat. Res. Defense Council*” *v. Winter*” should read “*Natural Resources Defense Council v. Winter*”

Page 47 – “40 C.F.R. 1506.1” should read “40 C.F.R. § 1506.1”

Page 48 [now page 47] – “*In re Core Commc’ns* ,” should read “*In re Core Commc’ns*, ”

Page 52 – “Corps” should read “Corps””

Page 52 – “Tribe” should read “Tribes”

Page 54 – “claimed the” should read “claimed that”

Page 55 – “*Defenders of Wildlife*” should read “*Defs. of Wildlife*”

Page 58 – “that that” should read “that the”

Page 60 – added space before “A.168”

Page 62 – “Tribe’s” should read “Standing Rock Tribe’s”

Page 62 – added space before “S.A.504-05”

Page 62 – added space before “S.A.512”

Page 64 – “identify” should be “identity”

Page 65 – “pipeline must” should read “pipeline operations must”

Page 65 – “operate it.” should read “operate.”

Page 65 – Paragraph after Section A. should be indented.

Page 66 – “*See also* Appendix” should read “*see also* App.”

Page 66 – Replaced straight quotes and added extra spaces after periods in quoted text.

Page 67 [now on page 66] – Replaced straight quotes and added extra spaces

Page 69 – “To” in Section B should be lowercase

Page 69 – Delete second “that”

Page 72 – Fn. 16 – Add extra space after period

Page 72 – Fn. 16 – Remove comma before “or”

Page 73 – “*Pub. Employees for Env'tl. Responsibility*” should read “*Pub. Emps. for Env'tl. Responsibility*”

Page 74 – “if it not” should read “if it did not”

Page 74 – “are the essentially” should read “are essentially the”

Page 74 – “426 (U.S. 2009)” should read “426 (2009)”

Page 74 – Fn. 17 – “issue after if the” should read “issue if the”

Page 75 – “was” should read “were”

Corrections made to legal citations have also been applied to the Table of Authorities.

Corrected paper copies will be submitted forthwith.

Counsel for the Appellees apologizes for the error and any inconvenience this errata may have caused the Court and Parties.

Dated: September 21, 2020

Respectfully submitted,

/s/ Jan E. Hasselman

Jan E. Hasselman

Patti A. Goldman

Earthjustice

810 Third Avenue, Suite 610

Seattle, WA 98104

Telephone: (206) 719-6512

jhasselman@earthjustice.org

pgoldman@earthjustice.org

Attorneys for Plaintiff-Appellee Standing

Rock Sioux Tribe

/s/ Nicole E. Ducheneaux

Nicole E. Ducheneaux

Big Fire Law & Policy Group LLP

1404 South Fort Crook Road

Bellevue, NE 68005

Telephone: (531) 466-8725

Facsimile: (531) 466-8792

nducheneaux@bigfirelaw.com

Attorney for Plaintiff-Appellee Cheyenne

River Sioux Tribe

/s/ Michael L. Roy

Michael L. Roy

mroy@hobbsstrauss.com
Jennifer P. Hughes
jhughes@hobbsstrauss.com
Elliott A. Milhollin
emilhollin@hobbsstrauss.com
Hobbs, Straus, Dean & Walker, LLP
1899 L Street NW, Suite 1200
Washington, DC 20036
Telephone: (202) 822-8282
Facsimile: (202) 296-8834
*Attorneys for Plaintiff-Appellee Oglala
Sioux Tribe*

/s/ Rollie E. Wilson

Rollie E. Wilson
Patterson Earnhart Real Bird & Wilson LLP
601 Pennsylvania Ave., NW, South Building,
Suite 900
Washington, DC 20004
Phone: (202) 434-8903
Facsimile: (202) 639-8238
rwilson@nativelawgroup.com
*Attorney for Plaintiff-Appellees Yankton
Sioux Tribe and Robert Flying Hawk*

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

Dated: September 21, 2020

/s/ Jan E. Hasselman

Jan E. Hasselman